

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IMPERIUM IP HOLDINGS (CAYMAN), §
LTD. §
§ CIVIL ACTION No. 4:14-CV-371
v. § Judge Mazzant
§
SAMSUNG ELECTRONICS CO., LTD., §
SAMSUNG ELECTRONICS AMERICA, §
INC., SAMSUNG §
TELECOMMUNICATIONS AMERICA, §
LLC, AND SAMSUNG SEMICONDUCTOR, §
INC. §

MEMORANDUM OPINION AND ORDER

Pending before the Court are Plaintiff and Defendants' Motions *in Limine* (Dkts. #197-98). After considering the pleadings and hearing argument at a Pretrial Hearing on January 29, 2016, the Court rules on the motions as follows:

Plaintiff's Motion #1

Granted. Defendants are not to present argument, evidence, or testimony regarding the motivation or purpose of Plaintiff's incorporation in the Cayman Islands. Likewise, Plaintiff is not to present argument, evidence, or testimony regarding inferences about Defendants' citizenship.

Plaintiff's Motion #2

Granted. Defendants are not to offer argument, evidence, or testimony about the existence of any previously asserted claims and accused products that Plaintiff has dropped from the litigation, including argument, evidence, or testimony about the mere fact that certain claims and products have been dropped.

Plaintiff's Motion #3

Granted. Defendants are precluded from relying on Sony image sensors as non-infringing alternatives.

Plaintiff's Motion #4

Granted. Defendants are precluded from presenting the Sony License defense at trial.

Plaintiff's Motion #5

Granted. Neither party is to present argument, evidence, testimony or reference to the *inter partes* reviews of Plaintiff's patents.

Plaintiff's Motion #6

Granted. Defendants are not to rely on any accused products as non-infringing alternatives.

Plaintiff's Motion #7

Denied.

Plaintiff's Motion #8

Granted. Defendants are not to present any argument, evidence, or testimony that the FAS 157 documents establish that the patent portfolio was of a particular value or lacked value.

Plaintiff's Motion #9

Defendants are not to present any argument, evidence, or testimony concerning the prior art from Defendants' IPRs that was not disclosed in Defendants' Amended Invalidity Contentions should be excluded.

Defendants' Motion #1

Denied.

Defendants' Motion #2

Plaintiff is not to present any argument, evidence, or testimony regarding Defendants' decision to not obtain an opinion of counsel with respect to willfulness.

Defendants' Motion #3

Granted. Parties are precluded from presenting any argument, evidence, or testimony, or reference during trial relating to the parties' privilege logs or assertions of privilege.

Defendants' Motion #4

Granted. Any argument, evidence, or testimony referring or relating to the *Apple v. Samsung* litigations or any other lawsuits with Samsung as a party not involving the patents-in-suit, including any in which Samsung has been found to infringe patents is excluded.

Defendants' Motion #5

Granted. Mention of the denial of any summary judgment motions, either in this litigation or in the previous *Imperium v. Apple* litigation is excluded with the exception that it will be allowed to be used for impeachment if Dr. Neikirk offers opinion that the '884 patent's validity was not given any attention during the discussions between the Imperium I Defendants and Imperium for licensing and settlement purposes.

Defendants' Motion #6

Granted-in-part. Plaintiff is precluded from offering any argument, evidence, or testimony concerning Defendant's wealth, including total company-wide revenues and profits.

Defendants' Motion #7

Granted. Any testimony or argument by Plaintiff or Plaintiff's expert Dr. Wright stating or suggesting that if there were invalidating prior art to any patent, the USPRTO would have found it and not issued the patents is excluded.

Defendants' Motion #8

Granted. Any argument, evidence, or testimony regarding invalidity positions of the defendants in the *Imperium v. Apple* et al. litigations relating to the '884 patent is excluded.

Defendants' Motion #9

Granted. Neither party is to make any reference to disputed issues resolved before trial, as well as discovery disputes, alleged litigation misconduct, motions, or dropped defenses, with the exception that they may be used in response to Defendants asking Ms. Riley about her use of company-wide profits in her expert report.

Defendants' Motion #10

Denied.

Defendants' Motion #11

Moot.

Defendants' Motion #12

Denied.

Defendants' Motion #13

Granted. Plaintiff is precluded from presenting any argument, evidence, or testimony, or reference during trial regarding the decision of a Korean National witness to testify through an interpreter rather than in English.


AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE